

## REMARKS

This is a full and timely response to the outstanding final Office Action mailed March 21, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

As an initial matter, Applicant notes that the Examiner has expressed that Applicant's arguments from the previous Response were not deemed persuasive. However, given that all of Applicant's claims were previously rejected under 35 U.S.C. § 102(e), but are now rejected under 35 U.S.C. § 103(a), Applicant notes for the record that the arguments were persuasive and have merit.

### **I. Claim Rejections - 35 U.S.C. § 103(a)**

Claims 1-3, 5-9, 11-13, and 15-27 have now been rejected under 35 U.S.C. § 103(a) as being unpatentable over Moro, et al. ("Moro," U.S. Pat. No. 6,327,051). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, there is no suggestion or motivation in the prior art to modify the reference as is suggested in the Office Action, and the prior art reference does not teach or suggest all the claim limitations. Applicant discusses the Moro disclosure and Applicant's claims in the following.

**A. The Moro Disclosure**

Moro discloses a system in which a *printer driver setting is compared to a state of a printer to determine if the setting and the state agree*. For example, in describing a "Fifth Embodiment," Moro states:

In this embodiment, it is determined whether selection of paper size of the printer driver and the size of the paper actually placed in the printer agree. If the two do not agree, an error display is presented and printing is suspended or the paper is changed. (Moro, column 25, lines 53-57)

As a further example, in describing a "Seventh Embodiment," Moro states:

Described next will be a printing system in which when the setting of the printer driver and the setting of the printer differ, the setting of the printer driver is changed in conformity with the setting of the printer without an error display being presented. A case in which the printing heads differ in a manner similar to that of the third embodiment will be described as an example. (Moro, column 27, lines 39-45)

Moro does *not* teach a system in which a printer driver setting is checked to determine whether that setting would adversely affect print quality, print speed, or consumption of printing device consumables.

**B. Applicant's Claims**

**1. Claims 1-3, 5-9, 11-13, and 15-17**

Applicant's independent claim 1, which is representative of the above claims, provides as follows (emphasis added):

1. A method for providing print outcome notification, comprising:

- determining which print driver settings are selected;
- determining whether one or more of the print driver settings is likely to adversely affect the *quality of images printed on the print media* or the *speed at which printing is performed*, or to *result in consumption of large amounts of printing device consumables*; and
- providing notification to a user that a selected print driver setting may result in an adverse printing result.

**(a) Print Quality**

As is noted above, claim 1 recites "determining whether one or more of the print driver settings is likely to adversely affect the *quality of images printed on the print*

*media*” (emphasis added). The Office Action states that Moro teaches this limitation, and refers to Moro’s Figure 42, element S281; and Figures 48 and 49, elements S351 and S352. Regarding Figure 42, Moro only teaches determining the size of paper that is in the printer (S281), determining a paper size setting of a printer driver (S282), determining whether the printer paper size is the same as the printer driver paper size (S283) and, if the two are “different,” displaying this fact to a user (S284).

As was noted in the previous response, the Moro system’s ability to ensure that the paper size selected with the printer driver and the paper that is in the printer is the same does not pertain to “print quality.” Again, as is well known to persons of skill in the printing arts, “print quality” is a measure of the quality of print data (i.e., text or images) as it appears on the printed media (e.g., pieces of paper). *Whether the paper size selected with the print driver and the size of the paper that is in the printer is the same or not has nothing to do with print quality.* Although such a mismatch may result in the print data not being properly centered on the print page, such a paper size mismatch would *not* affect print quality (i.e., the quality of the data as it appears on the page).

Regarding Figures 48 and 49, Moro only teaches determining the type of print head (i.e., color or monochrome) that is in the printer (S351), determining a print head setting (i.e., color or monochrome) of a printer driver (S352), determining whether the printer’s print head is the same as the printer driver print head setting (S353) and, if the two are “different,” displaying this fact to a user (S254). Again, this does not pertain to “print quality”. Although a mismatch between the print head that is in the printer and a print head selection made with the driver may result in the wrong color being printed (e.g., monochrome instead of color), such a mismatch would *not* adversely affect the print quality (i.e., the quality of the data as it appears on the page).

The Office Action argues that Moro's determinations and notifications intrinsically indicate that print quality will be adversely affected. Applicant disagrees for reasons stated above. Applicant further notes that the Examiner has not explained *how* the paper size or print head color mismatch adversely affect "the quality of images printed on the print media" as is would be understood by persons having ordinary skill in the printing arts. For this reason, the rejection fails to make a *prima facie* case of obviousness.

As for the Office Action's argument that "print quality" pertains to "degree of excellence," Applicant notes that the term "print quality" is a term of art that has significance to persons having skill in the printing arts. Therefore the Merriam-Websters Online Dictionary definition of "quality" is not controlling. At issue is "print quality" that, as is noted in the above, relates to the quality of the print data as it appears on the print media. Notably, the Merriam-Webster Online Dictionary does not provide a definition of "print quality". Moreover, Applicant notes that, as was noted in the previous Response, Applicant does not merely recite determining a driver setting that will adversely affect "print quality". Instead, Applicant recites determining a driver setting that will adversely affect "the *quality of images printed on the print media*" (emphasis added).

In view of the above, Moro does not teach or suggest "determining whether one or more of the print driver settings is likely to adversely affect the quality of images printed on the print media", as is required by claim 1. Notably, similar recitations appear in independent claims 9 and 13.

**(b) Print Speed**

As is noted above, claim 1 recites “determining whether one or more of the print driver settings is likely to adversely affect . . . *the speed at which printing is performed*” (emphasis added). The Office Action states that Moro teaches this limitation and refers to Moro’s Figure 42, element S281; and Figures 48 and 49, elements S351 and S352.

Applicant has already explained what the above portions of the Moro disclosure teach, and it is clear that those portions do not teach or suggest determining whether one or more of the print driver settings is likely to adversely affect the speed at which printing is performed. Specifically, irrespective of whether the print driver settings as to paper size or print head color match those of the printer, the speed at which printing is performed is substantially the same.

The Office Action argues that Moro’s determinations and notifications intrinsically indicate that print speed will be adversely affected. Applicant disagrees for reasons stated above. Applicant further notes that the Examiner has not explained *how* paper size or print head color mismatch adversely affect “the speed at which printing is performed” as is understood by persons having ordinary skill in the printing arts. For this reason, the rejection fails to make a *prima facie* case of obviousness.

In view of the above, Moro does not teach “determining whether one or more of the print driver settings is likely to adversely affect . . . the speed at which printing is performed”, as is required by claim 1. Notably, similar recitations appear in independent claims 9 and 13.

**(c) Consumable Consumption**

As is noted above, claim 1 recites “determining whether one or more of the print driver settings is likely to . . . result in consumption of large amounts of printing device

consumables” (emphasis added). Applicant notes that the Office Action does not explicitly address this limitation or explain how Moro teaches or suggests it.

Irrespective of the lack of discussion as to this limitation, Applicant notes that Moro’s teachings as to paper size or print head color mismatch do not equate to determining whether one or more of the print driver settings is likely to result in consumption of large amounts of printing device consumables. First, the consumable consumption would be the same whether the driver paper selection matched the paper that is actually in the printer. Second, although print head mismatch may result in the wrong color inks being consumed, it would not result in “large amounts of printing device consumables” being consumed. As to the argument that an ink cartridge not being installed in the printer would prevent printing and therefore result in large amounts of printing device consumables, to the contrary, such a situation would result in *less* consumables being consumed not more.

In view of the above, Moro does not teach “determining whether one or more of the print driver settings is likely to . . . result in consumption of large amounts of printing device consumables”, as is required by claim 1. Notably, similar recitations appear in independent claims 9 and 13.

#### **(d) Dependent Claims**

Applicant notes that various of Applicant’s dependent claims contain subject matter not taught or suggested by Moro. For example, in regard to claim 6, Moro does not teach or suggest providing an indication of “the degree of severity” of the adverse result. In particular, merely identifying an adverse result does not include the additional feature of also providing an indication of how severe the adverse result is. Applicant

notes that the limitations of claim 6 must be read *in conjunction with* the limitations contained in the claims from which it depends.

## **2. Claims 18-27**

Claims 18-27 are also allowable over Moro. Regarding independent claim 18, Moro does not teach or suggest “determining whether one or more of the print driver settings is likely to adversely affect the speed at which printing is performed or result in consumption of large amounts of printing device consumables”, for reasons discussed in the foregoing. Applicant notes that similar recitations are provided in independent claim 23.

Applicant further notes that various of Applicant’s dependent claims contain subject matter not taught or suggested by Moro. For example, in regard to claims 20 and 25, Moro does not teach or suggest means or logic for providing an indication of “the degree of severity” of the adverse result. In particular, merely identifying an adverse result does not include the additional feature of also providing an indication of how severe the adverse result is. Applicant notes that the limitations of claims 20 and 25 must be read *in conjunction with* the limitations contained in the claims from which they depend.

## **II. New Claims**

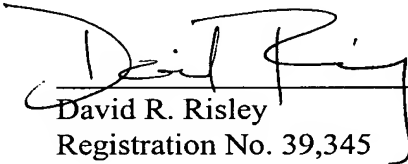
As identified above, claims 28-33 have been added into the application through this Response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable. Applicant notes for the

record that claims 28-33 do not raise any new issues in that these claims only contain limitations that already have been examined by the Examiner.

### CONCLUSION

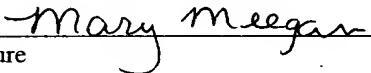
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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5-6-05

  
Signature